



**COMMITTEE ON ELECTIONS, RULES, ORDINANCES, ORDERS
AND CLAIMS
JUNE 8, 2009
Minutes**

*Councilor Michael Bardsley, Chair
Councilor Robert Reckman
Councilor David Narkewicz*

Chairman Bardsley opened the meeting at 6:05 P.M., in City Council Chambers, Wallace J. Puchalski Municipal Building, 212 Main Street, Northampton, on the following:

CLAIMS –

□ Kathleen Davis – Personal Injury Claim of April 18, 2009

City Solicitor, Janet Sheppard, recommended to deny based upon the DPW response. No reports were made to the DPW regarding this area.

Councilor Reckman moved to deny, without prejudice until December 31, 2009; Councilor Narkewicz seconded. The Clerk will write to and call the claimant to be sure the claimant understands this vote. The vote passed unanimously (3-0).

- Update:** Peoples Institute returned Release on 5/19/09 – Cost of fence repair was only \$475.00, not \$558.00 as voted approved on May 11, 2009.

Councilor Reckman moved to approve the amended payment of \$475.00; Councilor Narkewicz seconded. The vote passed unanimously (3-0).

□ PUBLIC COMMENT

Councilor Bardsley took this out of order to address some public concerns regarding recycling and the Ordinance(s) pertaining to recycling.

David Starr, of GREENnorthampton Organizing Committee and a resident of Northampton, wants to enforce an Ordinance that already exists. Ordinance §272-15 – Mandatory Recycling (attached) addresses enforcement and fines. Mr. Starr stated that one of GREENnorthampton's goals is to reduce the waste stream to the Northampton Landfill by 90% by 2012, and has started with City schools by auditing use and recycling. He asked the Committee what is the procedure to enforce the Ordinance?

Councilor Bardsley replied that Karen Bouquillon, Solid Waste Management Supervisor has the right to enforce the Ordinance. The Board of Public Works has a subcommittee to address solid waste. There is also an Alternative Study to the Expansion of the Landfill due for report soon.

Jesus, Leyva, a Northampton resident, stated that the Board of Public Works stated at their last meeting that they do not intend to start anything until after the Alternative Study is reported.

Mr. Starr stated that there was a citizens group that disbanded in 2004 that was working on these issues. He stated that the City should not wait for studies, but push ahead for the reuse center.

Councilor Bardsley explained that the Ordinance Committee and/or Karen Bouquillon may assist in revisions to the Ordinance, if needed. The process is to bring any revisions to the Ordinance Committee informally. The Committee can send the revised Ordinance to City Solicitor for review, then to City Council, which will refer to Ordinance, Board of Public Works, and/or any other committee. The Ordinance Committee is the last Committee to approve, disapprove or recommend with changes before returning to City Council for full votes.

Councilor Bardsley further stated that enforcement of the Ordinance is not the purvue of this Committee.

Councilor Reckman commended Mr. Starr and GREENnorthampton for their efforts to look outside the City for ideas.

Jesus Leyva stated that the Ordinance states that all residences, businesses, etc. must comply with mandatory recycling. He stated that if this is not enforced, it means nothing!

Mr. Starr stated the goal is mandatory curbside with triple separation of food waste, recycling, and landfill items.

The Committee encouraged Mr. Starr and Mr. Leyva to speak further to Karen Bouquillon and the Board of Public Works, and to come back to this Committee if they have further questions/suggestions.

ORDINANCES:

- Amend 312-67 A keep right sign be installed in the locations listed (Route 9/Look Park)
(Referred by City Council June 5, 2008, PENDING)
- Amend 312-112 A One-Way Street sign be installed at the locations listed (Route 9/Look Park)
(Referred by City Council June 5, 2008, PENDING)

- Amend 312-113 A yield sign be installed at the locations listed (Route 9/Look Park)
(Referred by City Council June 5, 2008, PENDING)

The above three Ordinances are still pending.

- Amend §350-11.4 Expedited Permitting Process for Renewable/Alternative Energy Facility (Referred by City Council May 7, 2009 to Planning Board, Committee on Economic Development, Housing and Land Use and Committee on Elections, Rules, Ordinances, Orders and Claims. EDHLU approved May 11, 2009)

The Clerk read the following email, dated June 2, 2009, from Wayne Feiden (attached):

“There is a joint Planning Board/Ordinance Committee public hearing on this zoning change on June 11th.

The Planning Board will probably make their recommendation then. We have advertised this as an Ordinance Committee meeting as well, so that they can vote that night if they want to (we will take minutes, so you certainly don't need to be there).”

The above Ordinance will be discussed and voted on at a Joint Planning Board/Ordinance Committee Public Hearing on June 11, 2009 at 7:00 p.m.

- Amend §89-5 to 89-7 Revise Office of Planning and Development Duties (Referred from City Council May 21, 2009)
- Add Article IV. Office of Community and Economic Development: Add §89-11 through §89-13. (Referred by City Council May 21, 2009)

Councilor David Murphy was present to voice his concerns regarding the above two Ordinances.

Councilor Narkewicz left the meeting at 6:55 p.m.

Councilor Murphy stated that these two Ordinances make sense. But he is concerned that the Central Business Architectural Committee should stay in Economic Development, not merge into Planning. He wants to see flexibility in the duties. Councilor Murphy stated that the Central Business committee is working very well. He is comfortable with moving this forward as written, but he does not want to see the Central Business committee suffer down the road.

City Solicitor stated this is part of the budget process and needs to go forward.

Councilor Reckman moved approval of the Ordinance §89-5 to 89-7 and Ordinance §89-11 through §89-13; there was no second. The motion failed.

Councilor Bardsley stated that he was uncomfortable with this as no one was present to represent the Ordinances to the Ordinance Committee.

Councilor Reckman stated that the Committee on Economic Development, Housing and Land Use approved these two Ordinances on May 11, 2009 with Wayne Feiden, Director of Planning and Development and Teri Anderson, Economic Development Coordinator present.

Councilor Bardsley stated that, typically someone is present at the Ordinance meeting to represent the Ordinances with the Ordinance Committee.

Councilor Reckman and City Solicitor Janet Sheppard stated that the Mayor's budget will have a savings by these Ordinance actions. The salary will not change, the source of salary will be CDBG funds.

Councilor Reckman again moved approval of the Ordinance §89-5 to 89-7 and Ordinance §89-11 through §89-13; there was no second. The motion failed.

- **PUBLIC FORUM - AD HOC COMMITTEE ON BEST PRACTICES IN NORTHAMPTON DECISION-MAKING MANUAL – REVIEW –**
 - 9. “Review City Council Rules and procedures, and City Ordinances, in relationship to best practices goals and guidelines” (Page 8)**

Councilor Reckman referred to City Council Rules Section 10, Order of Business (attached). A suggestion was made a City Council meeting of June 4, 2009 to change the order of City Council meetings to add awards and recognitions to Item #3, and to adjourn to Finance meeting between Items #5 and #6. This would be better for those citizens present for those specific proclamations, awards, and recognitions.

Another suggested change is to make the public comment session separate from comment sessions on specific Council Orders. This Committee is not ready to make recommendations. There is to be a special City Council meeting sometime in July or August to address Best Practices and such issues.

Councilor Bardsley also stated that there needs to be some procedure or mechanism to determine when a hot topic needs a separate meeting, out of regular City Council meetings.

□ **APPROVAL OF MINUTES – MAY 11, 2009**

Councilor Reckman moved approval of minutes of May 11, 2009; Councilor Bardsley seconded. The vote passed unanimously (2-0).

□ **NEW BUSINESS - none**

At 7:30 p.m., Councilor Reckman moved to adjourn and Councilor Bardsley seconded. The vote to adjourn passed unanimously (2-0).

*Respectfully submitted,
Mary L. Midura
Executive Secretary*

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§ 272-14 Violations and penalties.

§ 272-15 Mandatory recycling.

[Added 2-4-1988; amended 4-5-1990; 12-4-2003]

A. Program established. There is hereby established in the City of Northampton a program for the mandatory separation of recyclable materials from garbage or rubbish by anyone who lives or works in Northampton, including residents (including but not limited to inhabitants of single-family units, multifamily units, condominiums, boardinghouses, schools, assisted living facilities, etc.), businesses (including but limited to offices and retail establishments), institutions and industries located in the City of Northampton.

B. Enforcement. Enforcement of this section shall be by either criminal complaint in the District Court or noncriminal procedures as set forth in Chapter 40 of this Code of Ordinances. The maximum fine for violation of this section shall be \$300.

C. Effective date. This section shall take effect one week following the publication of the Board of Health regulations cited above in a daily newspaper of general circulation in the City of Northampton. Any changes in the definition of "recyclables" shall take effect one week after the pertinent regulations of the Board of Health have been published in a daily newspaper of general circulation in the City of Northampton or at such later date as may be specified in said regulations.

§ 272-16 Disposal of refuse at landfill; unacceptable garbage and trash.

§ 272-17 Unlawful use of recycling and trash disposal containers.

ARTICLE II Integrated Solid Waste Management (§ 272-18 - § 272-22)

CHAPTER 27A

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start from the Mayor... June 8, 2009 City of Northampton eCode360 - Win...

9:23 AM

Mary Midura

From: Wayne Feiden
Sent: Tuesday, June 02, 2009 11:35 AM
To: Mary Midura
Subject: RE: Ordinance 350-11.4

There is a joint Planning Board/Ordinance Committee public hearing on this zoning change on June 11th.

The Planning Board will probably make their recommendation then. We have advertised this as an Ordinance Committee meeting as well, so that they can vote that night if they want to (we will take minutes, so you certainly don't need to be there).

Wayne Feiden, FAICP
Director of Planning and Development
City of Northampton

Email to or from the city is a public records except when it falls under one of the specific statutory exemptions.

From: Mary Midura
Sent: Tuesday, June 02, 2009 9:40 AM
To: Wayne Feiden
Subject: Ordinance 350-11.4

Wayne - Has the Planning Board review/approved the Ordinance Amend 350-11.4? If so, can you give me the date of that review/approval? Any changes? I am preparing the Ordinance Agenda for June 8, 2009, and this is on the agenda. EDHLU approved this on 5/11/09.

Thanks very much!

Mary L. Midura
Executive Secretary
City Council and License Commission
413-587-1210

City of Northampton

MASSACHUSETTS

In the Year **Two Thousand** and **Nine**
UPON THE RECOMMENDATION OF **Mayor and Committee on Economic Development,**
Housing and Land Use

ORDINANCE NO.

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, City of Northampton, Massachusetts, be amended by adding a section to be numbered **Article IV § 89**, providing **Create Office of Community and Economic Development**

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows: *Section 1.* That the Code of Ordinances of the City of Northampton, Massachusetts, be amended by adding a section to be number **Article IV § 89** to read as follows:

Article IV. Office of Community and Economic Development

§ 89-11 Establishment; duties.

There shall be an Office of Community and Economic Development which shall consist of a Director and such other staff as may be necessary and appropriate. The Office of Community and Economic Development shall oversee the Community Development Block Grant Program and any other Community or Economic grants or programs undertaken by the City. The Office shall be responsible to develop Community and Economic Development policies and plans in collaboration with the Mayor, City Council, City Departments and the community. The Office shall provide staff support to the Housing Partnership and Northampton Redevelopment Authority and any other boards, committees, commissions or authorities necessary to carry out its function. The Office of Community and Economic Development shall also perform such other tasks as assigned by the Mayor.

§ 89-12 Director of Community and Economic Development.

The Mayor shall, subject to confirmation by the majority of the City Council, appoint a Director of Community and Economic Development who shall serve for a term of three years from the date of confirmation. Any person hired to fill the position of Director shall not fill the unexpired term of a predecessor but shall commence a new three-year term. The Director may be removed for cause by the Mayor with the concurring vote of a majority of the City Council.

§ 89-13 Duties of Director.

The Director shall supervise the daily activities of the Office of Community and Economic Development and its personnel and shall ensure that the Office provides the necessary staff support to the Housing Partnership, Northampton Redevelopment Authority and any other boards, committees, commissions or authorities as the Mayor and/or City Council shall designate. The Director shall perform such other duties as are set forth in the job description for the position and as are required by the Mayor.

City of Northampton

MASSACHUSETTS

In the Year Two Thousand and Nine

Office of Planning and Development and
UPON THE RECOMMENDATION OF ~~Committee on Economic Development, Housing and Land Use~~

ORDINANCE

An Ordinance of the City of Northampton, Massachusetts, providing that the Code of Ordinances, §89-5 to 89-7
City of Northampton, Massachusetts, be amended by revising section of said Code;
Revise Office of Planning and Development duties
providing that

Be it ordained by the City Council of the City of Northampton, in City Council assembled, as follows:

Section 1. That section §89-5 to 89-7 of the Code of Ordinances of the City of Northampton, Massachusetts, be amended so that such section shall read as follows:

"Section §89-5 to 89-7

ARTICLE II Office of Planning and Development

§89-5 Establishment; duties.

There shall be an Office of Planning and Development which shall consist of a Director and such other staff as may be necessary and appropriate. The Office of Planning and Development shall provide staff support to the Planning Board, Conservation Commission, Zoning Board of Appeals, Historical Commission, Historical District Commission, Central Business Architecture, Agricultural Commission, Community Preservation Committee, Northampton Redevelopment Authority, and Strategic Planning Cabinet. The Office of Planning and Development shall also implement work done in accordance with MGL 81-D (Master or Study Plan) and perform such other tasks as assigned by the Mayor or City Council.

§89-6 Director of Planning and Development.

The Mayor shall, subject to confirmation by the majority of the City Council, appoint a Director of Planning and Development who shall serve for a term of three years from the date of confirmation. Any person hired to fill the position of Director shall not fill the unexpired term of a predecessor but shall commence a new three-year term. The Director may be removed for cause by the Mayor with the concurring vote of a majority of the City Council.

§89-7 Duties of Director.

The Director shall supervise the daily activities of the Office of Planning and Development, and its personnel, and ~~its shall ensure that the Office provides the necessary staff support to the Planning Board, Conservation Commission, Zoning Board of Appeals, Historical Commission, Historic District Commission, Central Business District Architecture, Agricultural Commission, and Community Preservation Committee, Northampton Redevelopment Authority, Strategic Planning Cabinet, and any other boards, commissions, or authorities as the Mayor and/or City Council shall designate.~~ The Director shall assist the Mayor in coordinating the activities and programs of all departments, boards, commissions, and authorities, in keeping with the City's Comprehensive Plan. The Director shall perform such other duties as are set forth in the job description for the position and as are required by the Mayor.



Amended October 2, 2008

CITY OF NORTHAMPTON

COUNCIL RULES 2008-2009 SESSION TABLE OF CONTENTS

Rules Governing Meetings

Section 1 Modes of Proceeding not Covered by Rules
Section 2 Suspension of Council Rules
Section 3 Repeal or Amendment of Rules
Section 4 Quorums

Duties/Role of Mayor

Section 5 Mayor to be Presiding Officer

Section 6 Presiding Officer in Absence of the Mayor
Section 7 Mayor's Right to Leave Chair

Council President

Section 8 Nominees for President Present Qualification

Meeting Format/Requirements

Section 9 Calling Meetings to Order
Section 10 Order of Business
Section 11 Action of City Council to be Recorded by
Clerk of the Council
Section 12 Minutes of Previous Meeting
Section 13 Terms of Expression
Section 14 Number of Readings Required
Section 15 Conduct
Section 16 Open Period for Public to Address Council
Section 17 Introduction of New Business
Section 18 Recess During City Council Meetings
Section 19 Priority of Motions
Section 20 Order of Speaking
Section 21 Voting Prohibited when Member Interested
Section 22 Reference to Members by Name Prohibited in Debate
Section 23 Reconsideration
Section 24 Order During Debate
Section 25 Deciding Votes
Section 26 Roll Call Votes
Section 27 Method of Recording Roll Call Votes
Section 28 Ending Time of Meeting

Council Committees

Section 29 Committee Appointees to be Notified
Section 30 Finance Committee-Reference and Report
Section 31 Reference to Committees
Section 32 Committees Duty to Meet and Report
Section 33 Reports of Committees and Certification
by Clerk
Section 34 Committee Chair - Meetings
Section 35 Duties of Chairperson of the Committees
of the City Council
Section 36 Reports to be in Writing-Copies

Council Administration

Section 37 Notice of Elections
Section 38 Special Permit Granting Authority
Section 39 Time for Filing Business Transacted at
Meetings
Section 40 Ordinances - Forms etc.
Section 41 Proposed New Ordinances
Section 42 Limitation of Amendments
Section 43 Sponsors to Sign Orders
Section 44 Clerk of the Council
Section 45 Custody of Books, Documents and Papers
Section 46 Video Tape of Previous Meeting
Section 47 Papers addressed to City Council

Miscellaneous & Council Seating

Section 48 Prohibition as to Seating
Section 49 Seating Arrangements

will result in making Council functions most responsive to city residents' concerns.

Meeting Format/Requirements

Section 9 CALLING MEETINGS TO ORDER. The Mayor shall call the City Council to order at the time appointed for the meeting or to which it may have adjourned, if a quorum be present, which shall be determined by calling the roll. The names of members not present at the meeting shall be recorded by the Clerk of the Council.

Section 10 ORDER OF BUSINESS.

The order of business at every regular meeting of the Council shall be as follows:

1. Roll Call;
2. Approval of minutes of the previous meeting;
3. Proclamations and Resolutions, AWARDS + RECOGNITION
4. Appointments, Elections and Public Hearings;
5. Licenses; ————— ADJOURN TO FINANCE
6. Reports of Committees
7. Financial Orders
8. Orders and Ordinances;
9. Updates from Council President and Committee Chairs;
10. New Business

The agenda shall be published in this manner and adhered to at all meetings unless changed by a majority vote of the Council upon the request of any member of the Council.

Section 11 ACTION OF CITY COUNCIL TO BE RECORDED BY CLERK OF THE COUNCIL. The Clerk of the Council shall keep a brief record of the votes and proceedings of the City Council, entering thereon all accepted resolutions, orders, and ordinances, shall notice reports and memorial, and other papers submitted to the City Council only by their titles or a brief description of their purport.

Section 12 MINUTES OF PREVIOUS MEETING. The Clerk of the Council shall submit minutes of the previous meeting with the council agenda, at the next regular scheduled meeting of the City Council. Said minutes shall contain